

ORIGINAL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Criminal Case No. 10-20535-04

Plaintiff,

HON. David M. Lawson

-vs-

D-4 CALVIN L. HALL,

OFFENSE(S):Count One: Conspiracy to
Defraud the United States (18 U.S.C.
§ 371).

MAXIMUM INCARCERATION: 5 YEARS.

MAXIMUM FINE: \$250,000.00.

MAXIMUM TERM OF SUPERVISED
RELEASE: 3 years.

Defendant.

_____ /

RULE 11 PLEA AGREEMENT

Pursuant to Rule 11 of the Federal Rules of Criminal Procedure, defendant
CALVIN L. HALL and the government agree as follows:

1. GUILTY PLEA

A. Count(s) of Conviction

Defendant will enter a plea of guilty to **Count One** of the Third Superseding
Indictment, which charges conspiracy to defraud the United States.

B. Elements of Offense(s)

The elements of Count One - Conspiracy to Defraud the United States - are:

1. That two or more persons conspired or agreed to defraud the United States, or one of its agencies or departments, by dishonest means; and
2. That the defendant knowingly and voluntarily joined the conspiracy intending to help accomplish one or more of its objects; and
3. That a member of the conspiracy did one or more of the overt acts set forth in Count One of the Indictment for the purpose of advancing or helping the conspiracy.

C. Factual Basis for Guilty Plea

The following facts are a sufficient and accurate basis for defendant's guilty plea:

At all times relevant, the Garden View Estates project, formerly known as the Herman Gardens, was a multi-unit housing development located in Detroit, Michigan being developed by and on behalf of the U.S. Department of Housing and Urban Development and the Detroit Housing Commission.

In November of 2006, defendant Calvin L. Hall conspired and agreed with others to prepare and to cause to be prepared false and fraudulent documents, including a Construction Management Services Proposal, Organizational Chart and Personal Resumes, to be submitted in connection with the infrastructure construction phase at the Garden View Estates project.

As Calvin L. Hall then knew, the documents prepared by and submitted on behalf of XCEL Construction Services, Inc. contained false material statements and omitted material facts in that such documents falsely identified employees of Ferguson Enterprises, Inc. as employees of XCEL Construction Services, Inc..

The subject false documents were used by Calvin L. Hall and others to obtain a contract for XCEL Construction Services, Inc. to be the Construction Manager for infrastructure construction phases of the Garden View Estates project.

2. SENTENCING GUIDELINES

A. Standard of Proof

The Court will find sentencing factors by a preponderance of the evidence.

B. Calculation of Sentencing Guideline Range

The parties agree on all sentencing guideline factors except for the following:

(i) the value of the benefit received as calculated under USSG §§ 2C1.1(b)(2) and 2B1.1.

The government takes the position that value of the benefit received by defendant Calvin L. Hall is more than \$70,000 and less \$120,000.

Defendant Calvin L. Hall takes the position that the value of the benefit

he received is less than \$70,000.

(ii) the amount of an adjustment for mitigating role under USSG § 3B1.2.

The government takes the position that defendant's offense level should be reduced by 3 levels under USSG § 3B1.2.

Defendant Calvin L. Hall takes the position that his offense level should be reduced by 4 levels under USSG § 3B1.2.

The parties agree that the Court will resolve, by a preponderance of the evidence standard, the value of the benefit received under USSG §§ 2C1.1(b)(2) and 2B1.1 and the appropriate reduction under USSG § 3B1.2, and agree to be bound by that determination.

As is set forth on the attached sentencing guidelines worksheets, the government takes the position that the applicable advisory sentencing guideline range in this matter is **15 - 21 months**. In the event that the Court finds:

- a) that defendant's criminal history category is higher than reflected on the attached worksheets, or
- b) that the offense level should be higher because, after pleading guilty, defendant made any false statement to or withheld information from his probation officer; otherwise demonstrated a lack of acceptance of responsibility for his offense(s); or obstructed justice or committed any crime,

and if any such finding results in a guideline range higher than **15-21 months**, the government retains the right to take the position that the higher guideline range is the applicable advisory sentencing guideline range in this matter.

3. SENTENCE

The Court will impose a sentence pursuant to 18 U.S.C. §3553, and in doing so must consider the applicable advisory sentencing guideline range.

A. Imprisonment

Pursuant to Federal Rule of Criminal Procedure 11(c)(1)(C) the sentence of imprisonment in this case may not exceed the mid point of the sentencing guideline range as determined by Paragraph 2B, which the government calculates to be **18 months**.

As is set forth above, defendant Calvin L. Hall reserves the right to challenge the government's calculation of the advisory sentencing guideline range and to advocate for a sentence of less than 18 months in this matter.

B. Supervised Release

A term of supervised release, if imposed, follows the term of imprisonment. There is no agreement on supervised release. In other words, the Court may impose any term of supervised release up to the statutory maximum term, which in

this case is **three years**. The agreement concerning imprisonment described above in Paragraph 3A does not apply to any term of imprisonment that results from any later revocation of supervised release.

C. Special Assessment

Defendant will pay a special assessment of **\$100.00** and must provide the government with a receipt for the payment before sentence is imposed.

D. Fine

There is no agreement as to fines.

E. Restitution

The Court shall order restitution to every identifiable victim of defendant's offenses. There is no agreement on restitution. The Court will determine who the victims are and the amounts of restitution they are owed.

F. Forfeiture

1. As part of this agreement, Defendant Calvin L. Hall agrees to execute a Stipulated Consent Judgment in the companion civil forfeiture case, U.S v \$261,500.00 in U.S. Currency, et al., 12-CV-12057 (Honorable David M. Lawson) within thirty (30) days following the entry of his guilty plea in this criminal matter, forfeiting all of Defendant Calvin L. Hall's right, title and interest in the defendants in rem to the United State of America.

As part of his plea agreement, Defendant Calvin L. Hall agrees that any and

all right, title and interest he may possess, and any right title or interest that his heirs, successors or assigns have or may have, in the following assets will hereby be forfeited to the United States for disposition in accordance with the law, and that all of his right title and interest will hereby and forever be extinguished:

A. United States Currency

- i. Two Hundred Sixty-One Thousand Five Hundred Dollars in U.S. Currency (\$261,500.00) (Asset ID 09-FBI-002248);
- ii. Two Hundred Seventy-Five Thousand Dollars in U.S. Currency (\$275,000.00) (Asset ID 10-FBI-006395);

B. Funds Seized From Bank Accounts

- i. Three Hundred Fifty-Nine Thousand One Hundred Eighteen Dollars and Fifty-Four Cents (\$359,118.54) in U.S. Currency Funds from Fifth Third Bank Account Number XXXXXX8874 in the Name of XCEL Construction Services (Asset ID 10-FBI-006216);
- ii. Three Hundred One Thousand Six Hundred Sixty-Seven Dollars and Fifty-Eight Cents (\$301,667.58) from Fifth Third Bank Account Number XXXXXX1705 in the name of XCEL Construction Services (Asset ID 10-FBI-006611);

- iii. Seventy-Three Dollars and Forty Cents (\$73.40) from NStar Community Bank Account Number XXXX5850 in the name of Ferguson Enterprises Inc (part of Asset ID 10-FBI-006241);
- iv. Nineteen Thousand Thirty Dollars and Seventy-Two Cents (\$19,030.72) in U.S. Currency Funds from Fifth Third Bank Account Number XXXXXX1721 in the Name of XCEL Construction Services (Asset ID 10-FBI-006626);

C. Certificates of Deposit

- i. Certificate of Deposit Number 105716 in the name of Ferguson Enterprises, Inc., issued by First Independence Bank in the amount of Two Hundred Thousand Dollars (\$200,000.00) (Asset ID 09-FBI-004093);
- ii. Two Hundred Thousand Nine Hundred Fifty-Seven Dollars (\$200,957.00) (part of Asset ID 10-FBI-006241) from the liquidation of Certificate of Deposit Number 012206975 issued by NStar Community Bank in the name of Ferguson Enterprises, Inc.;

D. Cashier's Checks

- i. NStar Community Bank Cashier's Check Number 102824, in the amount of One Hundred Thousand Dollars (\$100,000.00) payable to Ferguson Enterprises (part of Asset ID 10-FBI-

006392);

- ii. NStar Community Bank Cashier's Check Number 102825, in the amount of One Hundred Thousand Dollars (\$100,000.00) payable to Ferguson Enterprises (part of Asset ID 10-FBI-006392);
- iii. NStar Community Bank Cashier's Check Number 102826, in the amount of One Hundred Thousand Dollars (\$100,000.00) payable to Ferguson Enterprises (part of Asset ID 10-FBI-006392);
- iv. NStar Community Bank Cashier's Check Number 102848, in the amount of One Hundred Thousand Dollars (\$100,000.00) payable to Ferguson Enterprises (part of Asset ID 10-FBI-006392);
- v. First Independence Bank Cashier's Check Number 15750 in the amount of Eighty-Nine Thousand Dollars (\$89,000.00) payable to Bobby Ferguson (Asset ID 10-FBI-005808);

E. Funds Frozen on Deposit in Bank Accounts

One Hundred Thousand Dollars in U.S. Currency Funds (\$100,000.00) on Deposit in Fifth Third Bank Account Number XXXXXX7645 in the name of Goldfarb Bonding Agency, LLC. (Asset ID 10-FBI-006213).

2. **Waivers.** In entering into the foregoing agreement with respect to forfeiture, Defendant Calvin L. Hall expressly waives his right to have a jury determine the forfeitability of his interest in the above identified real and personal properties as provided by Rule 32.2(b)(5) of the Federal Rules of Criminal Procedure. Defendant Calvin L. Hall further waives the requirements of Federal Rules of Criminal Procedure 32.2 and 43(a) regarding notice of the forfeiture in the charging instrument, pronouncement of the forfeiture at sentencing, and incorporation of the forfeiture in the judgment. Defendant acknowledges that he understands that the forfeiture of assets is part of his agreement in this case and waives any failure by the court to advise him of this, pursuant to Rule 11(b)(1)(J), at the time his guilty plea is accepted. Calvin L. Hall further agrees to hold the United States, its agents and employees harmless from any claims whatsoever in connection with the seizure or forfeiture of property covered by the Plea Agreement.

3. **Identification and Transfer of Property.** Defendant Calvin L. Hall agrees to identify all property known to him, in which he or any other person has a legal or equitable interest, that is or was property, real or personal, tangible or

intangible, which constitutes the proceeds of, was involved in, or is traceable to violations of federal criminal law. Defendant Calvin L. Hall also agrees to identify the extent of any person's or entity's interest in any such properties, including identification of the defendant's own interest or interests.

Defendant Calvin L. Hall agrees that he will cooperate with the United States by taking whatever steps are necessary to deliver clear title to each of the above-identified properties to the United States and will execute such legal documents as may be required to transfer title to the United States and by taking whatever steps are necessary to ensure that the property is not sold, disbursed, hidden, wasted or otherwise made unavailable for forfeiture. If any other person or entity has any interest in such property, Defendant Calvin L. Hall will assist in obtaining a release of interest from any such other person or entity.

The defendant agrees to transfer to the United States all other personal or real property in which the defendant has any equitable interest, with the exception of (1) the real property commonly known as 4XX Midway, Pontiac, Oakland County, Michigan, 48341 which shall not be forfeited and (2) one 2006 Harley Davidson Road King motorcycle bearing VIN 1HD1FRW166Y616883 which shall not be forfeited, where the defendant's interest was obtained in whole or in part through any violation of federal criminal law. Transfer of title, ownership, and interest will be completed prior to sentencing. The defendant agrees to undergo any polygraph

examination the United States may choose to administer concerning such property. The defendant agrees to take all steps as requested by the United States to pass clear title to forfeitable assets to the United States, and to testify truthfully in any judicial forfeiture proceeding.

4. Eighth Amendment. In entering into this agreement with respect to forfeiture, Defendant Calvin L. Hall knowingly, voluntarily, and intelligently waives any challenge to the above-described forfeiture based upon the Excessive Fines Clause of the Eighth Amendment to the United States Constitution.

5. Forfeiture Money Judgment. Upon acceptance by the Court of the Stipulated Consent Judgment in the companion civil forfeiture proceeding, the United States agrees that it will not seek entry of a forfeiture money judgment in this criminal matter as to Defendant Calvin L. Hall.

4. OTHER CHARGES

If the Court accepts this agreement, upon the imposition of a sentence on Count One of the Third Superseding Indictment, the government will dismiss the remaining charges in this case as to defendant Calvin L. Hall.

5. EACH PARTY'S RIGHT TO WITHDRAW FROM THIS AGREEMENT

The government may withdraw from this agreement if the Court finds the

correct guideline range to be different than is determined by Paragraph 2B.

Defendant may withdraw from this agreement, and may withdraw his guilty plea, if the Court decides to impose a sentence higher than the maximum allowed by Part 3. This is the only reason for which defendant may withdraw from this agreement. The Court shall advise defendant that if he does not withdraw his guilty plea under this circumstance, the Court may impose a sentence greater than the maximum allowed by Part 3.

6. WAIVER OF APPEAL

If the sentence imposed does not exceed the maximum allowed by Part 3 of this agreement, defendant waives any right he has to appeal his conviction. Defendant retains his right to directly appeal the Court's adverse determination of any disputed sentencing issue that was raised at or before the sentencing hearing. The government agrees not to appeal any sentence within the guideline range it has recommended in Paragraph 2.B, but retains the right to appeal any determination by the Court to apply a lower range or to impose a sentence below the guideline range that is unreasonable.

7. CONSEQUENCES OF WITHDRAWAL OF GUILTY PLEA(S) OR VACATION OF CONVICTION(S)

If defendant is allowed to withdraw his guilty plea(s) or if any conviction entered pursuant to this agreement is vacated, the Court shall, on the government's request, reinstate any charges that were dismissed as part of this agreement. If additional charges are filed against defendant within six months after the date the order vacating defendant's conviction or allowing him to withdraw his guilty plea(s) becomes final, which charges relate directly or indirectly to the conduct underlying the guilty plea(s) or to any conduct reflected in the attached worksheets, defendant waives his right to challenge the additional charges on the ground that they were not filed in a timely manner, including any claim that they were filed after the limitations period expired.

8. PARTIES TO PLEA AGREEMENT

Unless otherwise indicated, this agreement does not bind any government agency except the United States Attorney's Office for the Eastern District of Michigan.

9. SCOPE OF PLEA AGREEMENT

This agreement, which includes all documents that it explicitly incorporates, is the complete agreement between the parties. This agreement supersedes all other promises, representations, understandings and agreements between the

parties concerning the subject matter of this plea agreement that were made at any time before the guilty plea is entered in court. Thus, no oral or written promises made by the government to defendant or to the attorney for the defendant at any time before defendant pleads guilty are binding except to the extent they have been explicitly incorporated into this agreement.

Notwithstanding the previous paragraph, if defendant has entered into a proffer agreement in writing or a cooperation agreement in writing with the government, this plea agreement does not supersede or abrogate the terms of any such prior written agreement.

This agreement also does not prevent any civil or administrative actions against defendant, or any forfeiture claim against any property, by the United States or any other party.

10. ACCEPTANCE OF AGREEMENT BY DEFENDANT

This plea offer expires unless it has been received, fully signed, in the Office of the United States Attorney by **5:00 P.M. on 4/16/2013**. The government reserves the right to modify or revoke this offer at any time before defendant pleads guilty.

BARBARA L. McQUADE
United States Attorney


BRUCE C. JUDGE
Assistant United States Attorney


J. MICHAEL BUCKLEY
Assistant United States Attorney


Date: 6/20/2013

Date: June 20, 2013

By signing below, defendant acknowledges that he has read (or been read) this entire document, understands it, and agrees to its terms. He also acknowledges that he is satisfied with his attorney's advice and representation. Defendant agrees that he has had a full and complete opportunity to confer with his lawyer, and has had all of his questions answered by his lawyer.


JEFFREY LEE EDISON
Attorney for Defendant

Date: 3 July 13


CALVIN L. HALL
Defendant

Date: 7.3.13

Defendant:	<u>Calvin L. Hall</u>	Count:	<u>One</u>
Docket No.:	<u>Cr. No. 10-20535</u>	Statute(s):	<u>18 U.S.C. § 371</u>

WORKSHEET A (Offense Levels)

Complete one Worksheet A for each count of conviction (taking into account relevant conduct and treating each stipulated offense as a separate count of conviction) before applying the multiple-count rules in U.S.S.G. ch. 3, pt. D. However, in any case involving multiple counts of conviction, if the counts of conviction are all "closely related" to each other within the meaning of U.S.S.G. § 3D1.2(d), complete only a single Worksheet A.

1. BASE OFFENSE LEVEL AND SPECIFIC OFFENSE CHARACTERISTICS (U.S.S.G. ch. 2)

<u>Guideline Section</u>	<u>Description</u>	<u>Levels</u>
2C1.1(a)(2)	Conspiracy to Defraud the United States	12
2C1.1(b)(2)	Value of benefit received between \$70,000 and \$120,000	+8

2. ADJUSTMENTS (U.S.S.G. ch. 3, pts. A, B, C)

<u>Guideline Section</u>	<u>Description</u>	<u>Levels</u>
3B1.2	Mitigating Role	-3

3. ADJUSTED OFFENSE LEVEL

Enter the sum of the offense levels entered in Items 1 and 2. If this Worksheet A does not cover every count of conviction (taking into account relevant conduct and treating each stipulated offense as a separate count of conviction), complete one or more additional Worksheets A and a single Worksheet B.

17

If this is the only Worksheet A, check this box and skip Worksheet B.



If the defendant has no criminal history, check this box and skip Worksheet C.



Defendant:	<u>Calvin L. Hall</u>	Count:	<u>One</u>
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WORKSHEET D (Guideline Range)

1. (COMBINED) ADJUSTED OFFENSE LEVEL

Enter the adjusted offense level entered in Item 3 of Worksheet A or the combined adjusted offense level entered in Item 8 of Worksheet B.

17

2. ADJUSTMENT FOR ACCEPTANCE OF RESPONSIBILITY (U.S.S.G § 3E1.1)

-3

3. TOTAL OFFENSE LEVEL

Enter the difference between Items 1 and 2.

14

4. CRIMINAL HISTORY CATEGORY

Enter "I" if the defendant has no criminal history. Otherwise, enter the criminal history category entered in Item 6 of Worksheet C.

I

5. CAREER OFFENDER/CRIMINAL LIVELIHOOD/ARMED CAREER CRIMINAL/DANGEROUS SEX OFFENDER (U.S.S.G. ch. 4, pt. B)

a. Total Offense Level: If the career offender provision (U.S.S.G. § 4B1.1), the criminal livelihood provision (U.S.S.G. § 4B1.3), the armed career criminal provision (U.S.S.G. § 4B1.4), or the dangerous sex offender provision (U.S.S.G. § 4B1.5) results in a total offense level higher than the total offense level entered in Item 3, enter the higher offense level total.

b. Criminal History Category: If the career offender provision (U.S.S.G. § 4B1.1), the armed career criminal provision (U.S.S.G. § 4B1.4), or the dangerous sex offender provision (U.S.S.G. § 4B1.5) results in a criminal history category higher than the criminal history category entered in Item 4, enter the higher criminal history category.

6. GUIDELINE RANGE FROM SENTENCING TABLE (U.S.S.G. ch. 5, pt. A)

Enter the guideline range in the Sentencing Table (see U.S.S.G. ch. 5, pt. A) produced by the total offense level entered in Item 3 or 5.a and the criminal history category entered in Item 4 or 5.b.

15-21
months

7. STATUTORY RESTRICTIONS ON OR SUPERSESSION OF GUIDELINE RANGE

months

Defendant:	<u>Calvin L. Hall</u>	Count:	<u>One</u>
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If the maximum sentence authorized by statute is below, or a minimum sentence required by statute is above, the guideline range entered in Item 6, enter either the guideline range as restricted by statute or the sentence required by statute. (See U.S.S.G. § 5G1.1.) If the sentence on any count of conviction is required by statute to be consecutive to the sentence on any other count of conviction, explain why.



WORKSHEET E (Authorized Guideline Sentences)

1. PROBATION (U.S.S.G. ch. 5, pt. B)

a. Imposition of a Term of Probation (U.S.S.G. § 5B1.1)

☐

1. Probation is not authorized by the guidelines (minimum of guideline range \geq 10 months or statute of conviction is a Class A or a Class B felony). If this box is checked, go to Item 2 (Split Sentence).

☒

2. Probation is authorized by the guidelines (minimum of guideline range = zero months).
3. Probation is authorized by the guidelines, provided the court imposes a condition or combination of conditions requiring intermittent confinement, community confinement, or home detention satisfying the minimum of the guideline range (minimum of guideline range $>$ 0 months but \leq 9 months).

b. Length of Term of Probation (U.S.S.G. § 5B1.2)

☐

1. At least 1 year but not more than 5 years (total offense level \geq 6).
2. No more than 3 years (total offense level $<$ 6).

c. Conditions of Probation (U.S.S.G. § 5B1.3)

The court must impose certain conditions of probation and may impose other conditions of probation.

2. SPLIT SENTENCE (U.S.S.G. § 5C1.1(c)(2), (d)(2))

☐

- a. A split sentence is not authorized (minimum of guideline range = 0 months or \geq 15 months).

☐

- b. A split sentence is authorized (minimum of guideline range $>$ 0 months but \leq 12 months). The court may impose a sentence of imprisonment that includes a term of supervised release with a condition that substitutes community confinement or home detention for imprisonment, provided that at least one-half of the minimum of the guideline range is satisfied by imprisonment (if the minimum of the guideline range is 10 or 12 months), or that at least one month is satisfied by imprisonment (if the minimum of the guideline range is 1, 2, 3, 4, 6, 8 or 9 months). The authorized length of the term of supervised release is set forth below in Item 4.b.

3. IMPRISONMENT (U.S.S.G. ch. 5, pt. C)

A term of imprisonment is authorized by the guidelines if it is within the applicable guideline range (entered in Item 6 of Worksheet D). (See U.S.S.G. § 5C1.1.)

Defendant:	<u>Calvin L. Hall</u>	Count:	<u>One</u>
Docket No.:	<u>Cr. No. 10-20535</u>	Statute(s):	<u>18 U.S.C. § 371</u>

(WORKSHEET E, p. 2)

4. SUPERVISED RELEASE (U.S.S.G. ch 5., pt. D)**a. Imposition of a Term of Supervised Release (U.S.S.G. § 5D1.1)**

The court must impose a term of supervised release if it imposes a term of imprisonment of more than one year, or if it is required to do so by statute. The court may impose a term of supervised release if it imposes a term of imprisonment of one year or less.

b. Length of Term of Supervised Release (U.S.S.G. § 5D1.2)☐

1. At least 3 years but not more than 5 years, where the count of conviction is a Class A or a Class B felony, i.e., an offense carrying a maximum term of imprisonment \geq 25 years.

☒

2. At least 2 years but not more than 3 years, where the count of conviction is a Class C or a Class D felony, i.e., an offense carrying a maximum term of imprisonment \geq 5 years but $<$ 25 years.

☐

3. 1 year, where the count of conviction is a Class E felony or a Class A misdemeanor, i.e., an offense carrying a maximum term of imprisonment $>$ 6 months but $<$ 5 years.

☐

4. The statute of conviction requires a minimum term of supervised release of ____ months.

c. Conditions of Supervised Release (U.S.S.G. § 5D1.3)

The court must impose certain conditions of supervised release and may impose other conditions of supervised release.

5. RESTITUTION (U.S.S.G. § 5E1.1)☐

1. The court *must* order full restitution to the victim(s) of the offense(s) of conviction. (See 18 U.S.C. §§ 3556, 3663A, 3664.) The court will determine who the victims are and their restitution amounts.

☐

2. The court *must* order full restitution to the victim(s) of the offense(s) of conviction. (See 18 U.S.C. §§ 3556, 3663A, 3664.) The parties agree that full restitution is \$____.

☐

3. The parties agree that the court *may* order restitution to the victim(s) of the offense(s) of conviction in any amount up to and including \$____. (See 18 U.S.C. §§ 3663(a)(3), 3664.)

☐

4. The parties agree that the court *may also* order restitution to persons other than the victim(s) of the offense(s) of conviction in any amount up to and including \$____. (See 18 U.S.C. §§ 3663(a)(1)(A), 3663A(a)(3), 3664.)

☐

5. Restitution is not applicable.

Defendant:	<u>Calvin L. Hall</u>	Count:	<u>One</u>
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(WORKSHEET E, p. 3)

6. FINE (U.S.S.G. § 5E1.2)**a. Fines for Individual Defendants**

The court must impose a fine unless “the defendant establishes that he [or she] is unable to pay and is not likely to become able to pay any fine.” (See U.S.S.G. § 5E1.2(a).) Generally, the fine authorized by the guidelines is limited to the range established in the Fine Table. (See U.S.S.G. § 5E1.2(b).) However, there are exceptions to this general rule. (See U.S.S.G. § 5E1.2(b), (c)(4).)

b. Fine Range from Fine Table (U.S.S.G. § 5E1.2(c)(3))

<u>Minimum Fine</u>	<u>Maximum Fine</u>
<u>\$ 4,000.00</u>	<u>\$ 40,000.00</u>

7. SPECIAL ASSESSMENT(S) (U.S.S.G. § 5E1.3)

The court must impose a special assessment on every count of conviction. The special assessments for individual defendants are

\$100.00 for every count charging a felony (\$400 for a corporation)
 \$ 25.00 for every count charging a Class A misdemeanor (\$125 for a corporation),
 \$ 10.00 for every count charging a Class B misdemeanor (\$50 for a corporation), and
 \$ 5.00 for every count charging a Class C misdemeanor or an infraction (\$25 for a corporation).

The defendant must pay a special assessment or special assessments in the total amount of \$__.

8. FORFEITURE (U.S.S.G. § 5E1.4)

Assets of the defendant will be forfeited.



Assets of the defendant will not be forfeited.

9. ADDITIONAL APPLICABLE GUIDELINES, POLICY STATEMENTS, AND STATUTES

List any additional applicable guideline, policy statement, or statute.

10. UPWARD OR DOWNWARD DEPARTURE (U.S.S.G. ch. 5, pts. H & K)

List any applicable aggravating or mitigating circumstance that might support a term of imprisonment above or below the applicable guideline range.

Defendant:	<u>Calvin L. Hall</u>	Count:	<u>One</u>
Docket No.:	<u>Cr. No. 10-20535</u>	Statute(s):	<u>18 U.S.C. § 371</u>
